



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2140

DATE SCANNED 5/18/11

SCANNER NO. 2

SCAN OPERATOR ESS

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2010 JUN -9 A 11: 55

June 9, 2010

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR *AP*

FROM: PATRICIA CARMONA *PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACON *DC*
ACTING ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *NKE* NATALIYA IOFFE/RHIANNON MAGRUDER/IAN WANDNER *DM IW*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2010 APRIL
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 April Quarterly Report in accordance with 2 U.S.C. § 434(a). The April Quarterly Report was due on April 15, 2010.

The committees listed in the attached RTB Circulation Report filed the report more than five (5) days after the due date or failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission 92653129

Reason to Believe Circulation Report

2010 APRIL QUARTERLY Not Election Sensitive 04/15/2010 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2126	C003922290	ACE CASH EXPRESS INC PAC		DAVID DODSON	\$259,403	1	4/21/2010	6	\$41,391	\$400
2127	C00161570	AMERICAN PUBLIC POWER ASSOCIATION, PUBLIC OWNERSHIP OF ELECTRIC RESOURCES PAC		MICHELLE LYNN CHANDLER	\$136,070	0	4/28/2010	13	\$42,732	\$460
2128	C00406041	ARLINGTON DEMOCRATIC JOINT FEDERAL CAMPAIGN		JEAN MARSHALL CRAWFORD	\$123,749	0	5/5/2010	20	\$20,000	\$210
2129	C00204388	BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)		IRA LAMEL	\$102,867	2	4/30/2010	15	\$4,501	\$150
2130	C00467506	BOWERS FOR CONGRESS	BOWERS, RUSSELL WESLEY	RICHARD WAYNE BLAKE	\$187,344	0	4/26/2010	11	\$108,849	\$2,035
2131	C00451104	BYRON LEE FOR CONGRESS	LEE, BYRON LYNN	LESTER DUNN JR.	\$297,406	1	4/23/2010	8	\$12,200	\$187
2132	C00420125	CHIANG PATEL AND YERBY INC PAC		DAVID W. HAYS	\$105,653	0	4/27/2010	12	\$18,750	\$170
2133	C00463976	DEDE FOR CONGRESS INC	SCOZZAFAVA, DIERDRE K.	DIERDRE K. SCOZZAFAVA	\$762,971	0		Not Filed	\$254,324 (est)	\$8,800
2134	C00426320	LIBERTARIAN PARTY OF INDIANA		TODD SINGER	\$132,268	0	4/29/2010	14	\$24,532	\$180
2136	C00467670	PAGLIUCA FOR SENATE	PAGLIUCA, STEVE	SANJAY SAMI	\$16,692,686	0	5/18/2010	Not Filed	\$32,813	\$990

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	2 by 1 Rec'd Date	Days Late	LOA 6/9/2010	RTM/Penalty
2137	C002528Z5	PLUMBERS UNION LOCAL 690 POLITICAL ACTION COMMITTEE		JOHN I. KANE	\$434,238	0	4/21/2010	\$85,723	\$1,100
2138	C00452995	POSTMA FOR CONGRESS	POSTMA, JAMES LEE	JAMES LEE POSTMA	\$167,294	0		\$41,824 (est)	\$990
2139	C00078196	RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE		MARC TONDREAU	\$107,807	0		\$7,851 (est)	\$330
2140	C00421396	SCHERER FOR YOUR CONGRESSMAN	SCHERER, THOMAS E. MR.	GLENN SEEVER	\$161,158	0	5/14/2010	\$320	\$170
2141	C00457952	SEAN SALAZAR FOR SENATE	SALAZAR, SEAN COREY	SEAN SALAZAR	\$105,794	0		\$26,449 (est)	\$990
2142	C00466771	SURGICAL INSTITUTE OF READING LP-PAC; THE		STEPHEN P. BANCO	\$119,149	0		\$119,149 (est)	\$4,950

In the Matter of)	
)	
Reason To Believe Recommendation - 2010)	
April Quarterly Report for the)	
Administrative Fine Program:)	
SCHERER FOR YOUR CONGRESSMAN,	)	AF# 2140
and SEEVER, GLENN as treasurer;)	
ARLINGTON DEMOCRATIC JOINT	)	AF# 2128
FEDERAL CAMPAIGN, and JEAN)	
MARSHALL CRAWFORD as treasurer;)	
BI-COUNTY POLITICAL ACTION	)	AF# 2129
COMMITTEE (FKA SUFFOLK PAC), and)	
IRA LAMEL as treasurer;)	
LIBERTARIAN PARTY OF INDIANA,	)	AF# 2134
and TODD SINGER as treasurer;)	
AMERICAN PUBLIC POWER	)	AF# 2127
ASSOCIATION, PUBLIC OWNERSHIP)	
OF ELECTRIC RESOURCES PAC, and)	
CHANDLER, MICHELLE LYNN as)	
treasurer;)	
CHIANG PATEL AND YERBY INC PAC,	)	AF# 2132
and DAVID W HAYS as treasurer;)	
BOWERS FOR CONGRESS, and	)	AF# 2130
RICHARD WAYNE BLAKE as treasurer;)	
BYRON LEE FOR CONGRESS, and	)	AF# 2131
LESTER DUNN JR as treasurer;)	
)	
ACE CASH EXPRESS INC PAC, and	)	AF# 2126
DAVID DODSON as treasurer;)	
PLUMBERS UNION LOCAL 690	)	AF# 2137
POLITICAL ACTION COMMITTEE, and)	
KANE, JOHN I. as treasurer;)	
DEDE FOR CONGRESS INC, and	)	AF# 2133
SCOZZAFAVA, DIERDRE K as treasurer;)	
PAGLIUCA FOR SENATE, and SANJAY	)	AF# 2136
SAIMI as treasurer;)	

POSTMA FOR CONGRESS, and JAMES AF# 2138
LEE POSTMA as treasurer;
RHODE ISLAND REPUBLICAN STATE) AF# 2139
CENTRAL COMMITTEE, and)
TONDREAU, MARC as treasurer;)
SEAN SALAZAR FOR SENATE, and) AF# 2141
SEAN SALAZAR as treasurer;)
SURGICAL INSTITUTE OF READING) AF# 2142
LP-PAC; THE, and STEPHEN P BANCO)
as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election
Commission, do hereby certify that on June 10, 2010 the Commission took the
following actions on the Reason To Believe Recommendation - 2010 April Quarterly
Report for the Administrative Fine Program as recommended in the Reports Analysis
Division's Memorandum dated June 09, 2010, on the following committees:

AF#2140 Decided by a vote of 6-0 to: (1) find reason to believe that SCHERER
FOR YOUR CONGRESSMAN, and SEEVER, GLENN as treasurer violated 2 U.S.C.
434(a) and make a preliminary determination that the civil money penalty would be the
amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly,
Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the
decision.

AF#2128 Decided by a vote of 6-0 to: (1) find reason to believe that ARLINGTON
DEMOCRATIC JOINT FEDERAL CAMPAIGN, and JEAN MARSHALL
CRAWFORD as treasurer violated 2 U.S.C. 434(a) and make a preliminary
determination that the civil money penalty would be the amount indicated on the report;
(2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen,
Walther, and Weintraub voted affirmatively for the decision.

AF#2129 Decided by a vote of 6-0 to: (1) find reason to believe that BI-COUNTY
POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC), and IRA LAMEL as
treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil
money penalty would be the amount indicated on the report; (2) send the appropriate

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letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2134 Decided by a vote of 6-0 to: (1) find reason to believe that LIBERTARIAN PARTY OF INDIANA, and TODD SINGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2127 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN PUBLIC POWER ASSOCIATION, PUBLIC OWNERSHIP OF ELECTRIC RESOURCES PAC, and CHANDLER, MICHELLE LYNN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2132 Decided by a vote of 6-0 to: (1) find reason to believe that CHIANG PATEL AND YERBY INC PAC, and DAVID W HAYS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2130 Decided by a vote of 6-0 to: (1) find reason to believe that BOWERS FOR CONGRESS, and RICHARD WAYNE BLAKE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2131 Decided by a vote of 6-0 to: (1) find reason to believe that BYRON LEE FOR CONGRESS, and LESTER DUNN JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2126 Decided by a vote of 6-0 to: (1) find reason to believe that ACE CASH EXPRESS INC PAC, and DAVID DODSON as treasurer violated 2 U.S.C. 434(a) and

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make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2137 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS UNION LOCAL 690 POLITICAL ACTION COMMITTEE, and KANE, JOHN I. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2133 Decided by a vote of 6-0 to: (1) find reason to believe that DEDE FOR CONGRESS INC, and SCOZZAFAVA, DIERDRE K as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2136 Decided by a vote of 6-0 to: (1) find reason to believe that PAGLIUCA FOR SENATE, and SANJAY SAIMI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2138 Decided by a vote of 6-0 to: (1) find reason to believe that POSTMA FOR CONGRESS, and JAMES LEE POSTMA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2139 Decided by a vote of 6-0 to: (1) find reason to believe that RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE, and TONDREAU, MARC as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2141 Decided by a vote of 6-0 to: (1) find reason to believe that SEAN SALAZAR FOR SENATE, and SEAN SALAZAR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2142 Decided by a vote of 6-0 to: (1) find reason to believe that SURGICAL INSTITUTE OF READING LP-PAC; THE, and STEPHEN P RANCO as treasurer

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violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send ~~the~~ appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 10, 2010

Date

Shawn Woodhead Werth

Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 2010

Glenn Seever, in official capacity as Treasurer
Scherer for Your Congressman
7760 Fontana
Prairie Village, KS 66208

C00421396
AF#: 2140

Dear Mr. Seever:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through March 31, 2010, shall be filed no later than April 15, 2010. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on May 14, 2010, twenty nine (29) days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. § 437g(a)(4). On June 10, 2010, the FEC found that there is reason to believe ("RTB") that Scherer for Your Congressman and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before April 15, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$170. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$170 is due within forty (40) days of fine finding, or by July 20, 2010, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$320
Number of Days Late: 29
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

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Commission's RTB finding, or July 20, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Scherer for Your Congressman and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

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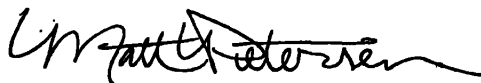
3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$170 for the 2010 April Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by July 20, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Scherer for Your Congressman

FEC ID#: C00421396

AF#: 2140

PAYMENT DUE DATE: July 20, 2010

PAYMENT AMOUNT DUE: \$170

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THOMAS E. SCHERER**FOR YOUR CONGRESSMAN** June 16, 2010

Federal Election Commission

AF #: 2140

Committee ID: C00421396

CHALLENGE + WAIVER Request

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Facts: The Committee Report was not filed timely due to a SOFTWARE glitch. The FEC software prevented me from filing this Report April 15, 2010; despite working with your FEC Analyst ERIC Fusselle.

MR. Fusselle, your analyst recommended I file the quarterly report later, when we together could figure out why the software hung up when submitting FEC Form 2.

I am certain MR. Fusselle can verify this software error. Therefore, due to no cause by me, I challenge and request a waiver of any RTB finding and subsequent Assessment. See pg. 2 of 3, 2nd paragraph.

Thomas E. Scherer (Candidate)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 2010

Glenn Seever, in official capacity as Treasurer
Scherer for Your Congressman
7760 Fontana
Prairie Village, KS 66208

C00421396
AF#: 2140

Dear Mr. Seever:

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The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. § 437g(a)(4). On June 10, 2010, the FEC found that there is reason to believe ("RTB") that Scherer for Your Congressman and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before April 15, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$170. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$170 is due within forty (40) days of the finding, or by July 20, 2010, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$320
Number of Days Late: 29
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

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Commission's RTB finding, or July 20, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Scherer for Your Congressman and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982, ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

11092653142



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

June 25, 2010

Glenn Seever, in his official capacity as Treasurer
Scherer For Your Congressman
7760 Fontana
Prairie Village, KS 66208

C00421396
AF# 2140

Dear Mr. Seever:

On June 25, 2010, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in cursive script that reads "Jill I. Sugarman".

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

11092653143

Date: June 29, 2010

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2140

Committee Name: Scherer for Your Congressman

Committee ID#: C00421396

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

**Copy of RTB Circulation Report, dated June 9, 2010 and RTB Certification,
dated June 10, 2010:**

Attachment #: 1

Signature Proof of Delivery: Y

Attachment #: 2

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 April Quarterly Report Prior Notice, dated March 26, 2010.

-Non-Filer Letter, dated May 5, 2010.

-RTB Letter, dated June 11, 2010.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A

11092653144

2010 JUN 29 P 1:44

FEC OFFICE OF
ADMIN REVIEW



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643
Telephone: 901-369-3600

June 17, 2010

Dear Customer:

The following is the proof-of-delivery for tracking number **402983361781**.

Delivery Information:

Status:	Delivered	Delivery location:	PRAIRIE VILLAGE, KS
Signed for by:	TOM SCHERER	Delivery date:	Jun 15, 2010 09:41
Service type:	Priority Envelope		



Shipping Information:

Tracking number:	402983361781	Ship date:	Jun 11, 2010
		Weight:	0.5 lbs/0.2 kg

Recipient:
PRAIRIE VILLAGE, KS US

Shipper:
WASHINGTON, DC US

Thank you for choosing FedEx Express.

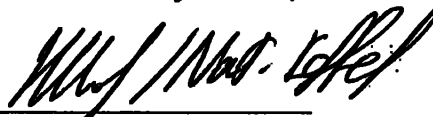
FedEx Worldwide Customer Service
1.800.GoFedEx 1.800.463.3339

11092653145

DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Scherer for Your Congressman:
 - A) Prior Notice, dated March 26, 2010, referencing the 2010 April Quarterly Report (sent via electronic mail to: tscherer1@sbcglobal.net);
 - B) Non-Filer Letter, dated May 5, 2010, referencing the 2010 April Quarterly Report;
 - C) Reason-to-Believe Letter, dated June 11, 2010, referencing the 2010 April Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Scherer for Your Congressman filed the 2010 April Quarterly Report with the Commission on May 14, 2010.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided.

This declaration was executed at Washington, D.C. on the 29th day of June, 2010.



Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

11092653146



APRIL QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES
PARTIES AND PACS

March 26, 2010

CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS ¹	REG/CIER & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	03/31/10	04/15/10	04/15/10

REPORTING SCHEDULE FOR REMAINDER OF 2010

REPORT	CLOSE OF BOOKS ¹	REG/CIER & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
July Quarterly	06/30/10	07/15/10	07/15/10
October Quarterly	09/30/10	10/15/10	10/15/10
Pre-General ²	10/13/10	10/18/10	10/21/10
Post-General	11/22/10	12/02/10	12/02/10
Year-End	12/31/10	01/31/11	01/31/11

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

¹ A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

² **Parties and PACs:** required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

Congressional Committees: campaign committees of a candidate who participates in the general election must file pre-and post-general election reports.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committee must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options – Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- The Record: January 2010 issue [PDF]
- Candidate Guide, pp. 79-80 [PDF]

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically MUST submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 80 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice).

See 11 CFR 104.22:

- The Record: March 2009 issue [PDF]
- Federal Register: Notice 2009-03 (February 17, 2009) [PDF]

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 5, 2010

RQ-7

GLENN SEEVER, TREASURER
SCHERER FOR YOUR CONGRESSMAN
7780 FONTANA
FRAIRIE VILLAGE, KS 66208

IDENTIFICATION NUMBER: C00421396

REFERENCE: APRIL QUARTERLY REPORT 1/1/2010 - 3/31/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E WIDENER, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICE UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT SARI PICKERALL AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

10030322587
11092653151



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2010 JUL 21 P 4: 05

SENSITIVE

July 21, 2010

MEMORANDUM

To: The Commission

Through: Alec Palmer *for PC*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DB*
Acting Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2140 -Scherer For
Your Congressman and Glenn Seever, in his official capacity as
Treasurer (C00421396)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092653152



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 21, 2010

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2140 – Scherer For Your Congressman and Glenn Seever, in his official capacity as
Treasurer (C00421396)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$170 civil money penalty.

Reason-to-Believe Background

On June 10, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 April Quarterly Report and made a preliminary determination that the civil money penalty was \$170, based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on June 11, 2010 of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of an authorized committee of a candidate shall file a report for the period ending March 31 no later than April 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge and Analysis

On June 25, 2010, the Commission received the written response ("challenge") from the Candidate, Thomas Scherer, on behalf of the respondents. He challenges both the RTB finding and the penalty and asks that the fine be waived since the late filing was caused by a software glitch. Despite working with analyst Eric Fuselle, the FEC software prevented him from filing on time. Mr. Fuselle recommended he file the quarterly report later when they could work together to figure out why the software malfunctioned when submitting the Form 2. Attachments include copies of Page 1 and 2 of the RTB letter with handwritten notes.

Contact with Respondents about Filing Report:

The respondents were notified before and after the filing deadline that they must file the April Quarterly Report. RAD telephone records indicate that during the month before and after the report was due, the respondents contacted Commission staff on multiple occasions. These

11092653153

calls concerned the filing of amended Statements of Organization and Candidacy (Forms 1 and 2 respectively), as well as the filing of the April Quarterly Report (Form 3).

- On March 26, 2010, the Commission sent the Prior Notice for the April Quarterly Report via email to tscheror1@sbcglobal.net, the email address listed on their Statement of Organization.
- On April 14, 2010, the Candidate asked RAD Analyst Eric Fusselle, how to change his address and party affiliation. The Analyst told him to amend Forms 1 and 2.
- On April 15, 2010, the Candidate called the Analyst for help filing Forms 1 and 2. The Analyst helped him upload Form 1. They were unable to upload the Form 2, as the Treasurer kept getting error messages. The Analyst offered to transfer him the Electronic Filing Office ("EFO"). Mr. Scherer indicated that he did not have time to speak with the EFO and the Analyst suggested he call back on Monday when the Candidate was free so that he could be connected to the EFO. There was no mention of the April Quarterly Report during this call.
- On April 16, 2010 (the day after the filing deadline), the EFO sent the 12-hour non-filer email notification to "tscherer4@kc.rr.com" alerting them that they did not file the April Quarterly Report. This is the email address provided by the respondents. There is no indication that they contacted Commission staff in response to this notice.
- The Commission sent a non-filer notice to the respondents, at their address of record, on May 5, 2010.
- On May 10, 2010, the Candidate called the Analyst for help amending and filing the Form 2 and it was successfully uploaded. The Analyst also helped him create the electronic Form 3 so he could begin entering data for the April Quarterly Report. When the Candidate received an error message that the Analyst could not resolve, the Candidate said he did not have the time to speak to the EFO. He said he would work on it himself and file the report as soon as possible. The Analyst advised him to file the report soon, as it was already late and could be subject to enforcement action by the Commission.
- On May 12, 2010, the Candidate told the Compliance Analyst that he was working with the RAD Analyst to file the report. He explained that he was not ignoring the non-filer letter, but was having problems because he travels the country. She advised him to file the report as soon as possible.

The April Quarterly Report was filed on May 14, 2010, 29 days late.

On the April 15 due date of the report, the Candidate called for assistance with filing the Form 2 Statement of Candidacy and received an error message. While the Candidate is correct that the Analyst suggested he call at a time more convenient for him to receive the assistance he needed, it was in regards to the filing of the Form 2, as he states in the challenge. There was no mention of the April Quarterly Report, which is filed on Form 3. Additionally, the EFO logs indicate that there was no record of any problem with the FECFile software or Electronic Filing System that would have prevented the respondents from timely filing their report on April 15.

After the non-filer email was sent on April 16, the respondents waited more than three weeks before contacting the RAD Analyst on May 10 regarding the filing of the April Quarterly Report. When the Analyst offered to transfer the Candidate to the EFO for assistance during that May 10 call, he replied that he did not have time. Logs provided by the EFO show no contacts with the respondents regarding this matter. The Candidate noted his lack of time once more when he called the Compliance Analyst on May 12 stating that he was not ignoring the May 5 non-filer letter, but he was having problems because he was traveling the country.

The administrative fine regulations specifically state that unavailability of staff, failure to use filing software properly, and negligence are not reasonably unforeseen circumstances. 11 C.F.R. § 111.35(d). Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$170.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2140 involving Scherer For Your Congressman and Glenn Seever, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2140 that Scherer For Your Congressman and Glenn Seever, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$170; and
- (3) Send the appropriate letter.

Acting Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents

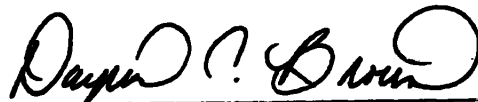
Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

DECLARATION OF DAYNA C. BROWN

- 1) I am the Acting Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Acting Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
1. The 2010 April Quarterly Report is due April 15, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on April 15 to be timely filed.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations including due dates of reports and filing requirements.
3. I hereby certify that I have searched the Commission's public records and the documents identified herein are the true and accurate copies of:
 - (a) Page 1 of the Statement of Organization filed by Scherer For Your Congressman and Glenn Seever, in his official capacity as Treasurer. According to the Commission's records, the Statement was received March 13, 2006 and lists "tscherer1@sbcglobal.net" as the Committee's email address;
 - (b) Page 1 of the Statement of Organization filed electronically by Scherer For Your Congressman and Glenn Seever, in his official capacity as Treasurer. According to the Commission's records, the Statement was received on April 15, 2010;
 - (c) Statement of Candidacy filed electronically by Thomas E. Scherer. According to the Commission's records, the Statement was received on May 10, 2010; and
 - (d) Page 1 of the Summary Page for the 2010 April Quarterly Report filed electronically by Scherer For Your Congressman and Glenn Seever, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from January 1 through March 31, 2010 and was received on May 14, 2010.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 21st of July, 2010.



Dayna C. Brown
Acting Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092653156

ORIGINAL

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
FEC MAIL
OPERATIONS CENTER

2006 MAR 20 A 10:41

Office Use Only

1. NAME OF
COMMITTEE (in full)



(Check if name
is changed)

Example: If typing, type
over the lines.

12FB4M5

SCHERER FOR YOUR Congressman

ADDRESS (number and street)

7916 W. 60th. ST.



(Check if address
is changed)

S. HAWNEE MISSION

KS

66202-3009

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

tscherer1@sbcbglobe.net

COMMITTEE'S WEB PAGE ADDRESS (URL)

http://www.schererforcongress.com

COMMITTEE'S FAX NUMBER

NONE

2. DATE

03/09/2006

3. FEC IDENTIFICATION NUMBER ▶

C

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Chen E. Seever

Signature of Treasurer

Chen E. Seever

Date

03/09/2006

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2003)

FESAN002.PDF

11092653157

**FEC
FORM 1****STATEMENT OF
ORGANIZATION**

(See instructions)

Office use only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines

12FE4M5

SCHERER FOR YOUR CONGRESSMAN

ADDRESS (number and street)

7760 Fontana

(Check if address is changed)

Prairie Village

KS

66208

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

(Check if address is changed)

tscherer4@kc.rr.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

www.schererforcongress.com

2. DATE M M / D D / Y Y Y Y

04 / 15

2010

3. FEC IDENTIFICATION NUMBER

C C00421396

4. IS THIS STATEMENT ☒ NEW (N) OR ☐ AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete

Type or Print Name of Treasurer Glenn SeeverSignature of Treasurer Electronically Filed by Glenn Seever

Date M M / D D / Y Y Y Y

04 / 15 / 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office
Use
OnlyFor further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100**FEC FORM 1**
(Revised 02/2009)

11092653158

FEC FORM 2

STATEMENT OF CANDIDACY.

1. (a) Name of Candidate (in full) Mr. THOMAS E SCHERER				2. Identification Number H6KS03175	
(b) Address (number and street) 7916 W 60TH ST				.x Check if address changed	
(c) City, State and ZIP Code MERRIAM KS 66202				3. Is This Statement <input checked="" type="checkbox"/> New (N) OR <input type="checkbox"/> Amended (A)	
4. Party Affiliation DEMOCRATIC PARTY		5. Office Sought House		6. State & District of Candidate KS 03	

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2010 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) Scherer for your Congressman		
(b) Address (number and street) 7916 W 60TH ST.		
(c) City, State and ZIP Code MERRIAM KS 66202		

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)
(b) Address (number and street)
(c) City, State and ZIP Code

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct, and complete.

Signature of Candidate Mr. THOMAS E SCHERER	Date 05/10/2010
--	--------------------

NOTE: Submission of false, erroneous or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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11092653159

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Scherer for your Congressman

ADDRESS (number and street)

7916 W 60TH ST.

Check if different than previously reported. (ACC)

MERRIAM

KS

66202

2. FEC IDENTIFICATION NUMBER

C00421396

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT

X

NEW (N)

OR

AMENDED (A)

KS

03

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

X April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the State of

5. Covering Period 01 01 2010 through 03 31 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Glenn E Seever

Signature of Treasurer Electronically Filed by Glenn E Seever

Date 05 14 2010

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

July 22, 2010

Glenn Seever, in his official capacity as Treasurer
Scherer For Your Congressman
7760 Fontana
Prairie Village, KS 66208

C00421396
AF# 2140

Dear Mr. Seever:

On June 10, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Scherer For Your Congressman and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$170 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Acting Reviewing Officer
Office of Administrative Review

cc: Thomas E. Scherer, Candidate
Attachment

11092653161

THOMAS E. SCHERER

FOR YOUR CONGRESSMAN

July 27, 2010, mailed via overnight mail, United States Postal Service
Attn: Commission Secretary
Federal Election Commission
c/o FEC Office of Administrative Review
999 E St., NW,
Washington DC 20463

Re: C00421396
AF# 2140

Dear Commission Secretary,

This is my timely reply to the Commission related to the argument by the Reviewing Officer alleging using ample hearsay, that my request for a waiver as authorized per 11 C.F.R. Section 111.35(b) (1) was not granted. The rejection by the Reviewing officer was arbitrary and in direct contradiction to this federal regulation. The exact words using by this regulation provide the following:

- (1) A failure of the Commission computers or commission provided software despite your seeking technical assistance from Commission personnel and resources [constitutes valid grounds for a waiver]

Which the reviewing officer admits to factually. Further, the reviewing officer added language that is not contained in that controlling federal regulation in his response.

Therefore, I disagree with the argument put forward by the reviewing officer and hereby request we proceed to the next stage of a final determination. This constitutes my reply to the arbitrary review officer who did not comply with the applicable federal regulation. Furthermore, I reject the allegations as lacking a factual basis that I have not had the right to review timely as required by due process.

The federal regulation specifically states if the software of the FEC causes delays in the filing of my report, there shall be no fine assessed and a waiver should be granted. There could be no willful violation when the FEC analyst, at pg. 2, last paragraph, admits the FEC analyst suggested I call at a later unspecified date as time permitted. This is a fact not disputed. So the analyst, Mr. Fusselle was clearly aware of a software glitch in the FEC reporting software.

Nor did the analyst as alleged, ever advise to call the FEC on Monday of the following week. So that allegation is disputed. What I recall from the conversation with Mr. Fussello was that he merely stated he would look into the situation on why the software was not working properly. Mr. Fusselle stated on April 15th that he would call me back, after analyzing why the FEC software was not working. When he finally did call back after I had returned to Florida on May 10, we finally were able to file the FEC form 2 and subsequently on May 14, the FEC Form 3 quarterly report.

7916 W. 60th St. • Shawnee Mission, KS 66202 • (913) 403-8584 • www.schererforcongress.com

Paid for by Scherer for your Congressman

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COMMISSION
SECRETARIAT

THOMAS E. SCHERER

FOR YOUR CONGRESSMAN

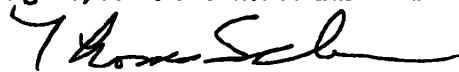
Mr. Fusselle therefore advised me on April 15 to not file the FEC form 3 until such time as we together were able to determine the cause of the delay. I also had clearly informed Mr. Fusselle I had to travel to Kansas City to do some campaigning while he tried to find the cause of the error. That trip included a d a meeting with the former Governor of Alaska Sarah Palin April 30 at a paid event in Independence, MO. Th which shortly thereafter, I returned to Florida where my campaign documents were stored. In simple terms, I could not file the FEC forms while I was traveling in Kansas City area, while the documents necessary were in Florida. After I returned, I did as Mr. Fusselle told me to do.

Factually, I have never missed the filing of any campaign report required to be filed by history. All prior reports have been filed timely, including those using the FEC software. This should also have been a factor taken into account by the reviewing officer. But that fact was omitted.

In conclusion, I ask for a final determination that excludes all hearsay that cannot be verified factually. Further, the federal regulation is clear. If there is a commission software admitted factually, that triggers the granting of a waiver as written. And since the regulation is based on our federal laws, those statutes are controlling as applied to the facts here.

So help me God.

Signed, dated and mailed this the 27th day of July, 2010.



Thomas E. Scherer, Candidate,
United States Congress (KS-03)
7760 Fontana,
Prairie Village, KS 6628

Pg. 2 of 2.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2010 DEC 20 A 9 47

December 17, 2010 **SENSITIVE**

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC for PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2140 – Scherer For Your Congressman and Glenn Server, in his official capacity as Treasurer (C00421396)

On June 10, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 April Quarterly Report and also made a preliminary determination that the civil money penalty was \$170 based on the schedule of penalties at 11 C.F.R. § 111.43.

On June 25, 2010, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation ("ROR") dated July 21, 2010 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$170 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f).

On July 28, 2010, the Commission received the written response from the Candidate, which outlines the Candidate's disagreement with the recommendation put forth in the ROR. The response expands upon several issues raised in the challenge and addressed in the ROR, namely that on April 15, the Analyst advised the Candidate not to file the FEC Form 3 until the cause of the software glitch could be determined. The Candidate further states that he informed the Analyst that he would be traveling to Kansas to do some campaigning while the Analyst

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looked into the error and that he could not file the FEC forms while traveling in the Kansas City area because the documents needed were in Florida. When the Analyst called him back on May 10, after he returned to Florida, they were able to file the FEC Form 2, and subsequently the FEC Form 3 quarterly report on May 14.

As discussed in the ROR, according to RAD telephone records written by the Analyst with whom the Candidate spoke on April 15, the Candidate called for assistance with filing Forms 1 and 2 (Statements of Organization and Candidacy, respectively). After receiving an error when attempting to file the Form 2 Statement of Candidacy, the Analyst offered to transfer him to the Electronic Filing Office ("EFO") for assistance; however, the Candidate indicated that he did not have time. Only after the Candidate indicated he did not have time to speak with the EFO for assistance with filing the Form 2 Statement of Candidacy, did the Analyst advise him to call back the following Monday, when the Candidate had time, so that he could be assisted by the EFO. According to telephone records chronicled by the Analyst himself, the April 15 conversation pertained exclusively to the filing of Forms 1 and 2, and did not involve discussion of the Form 3 April Quarterly Report.

Following the April 15 due date, the respondents received a 12-hour non-filer email notification at "tscherer4@kc.rr.com" informing them of their failure to file the April Quarterly Report. Additionally, a non-filer notice was mailed to the respondents at their address of record on May 5, 2010, also informing them of their failure to file the report.

The Candidate indicates in his response that the Analyst called him on May 10; however, RAD telephone records show that it was the Candidate that called the Analyst on May 10, seeking assistance with amending and filing the Form 2 Statement of Candidacy. After the Form 2 was filed successfully, the Analyst assisted him with creating the Form 3 April Quarterly Report, which gave him an error. The Candidate indicated that he did not have time to talk with the EFO and told the Analyst he would work on the report himself and file it as soon as possible.

On May 12, the Candidate called the Compliance Analyst stating that he received the May 5 non-filer notice and was not ignoring the notice, but he was having problems filing the report because he travels the country. The regulations are clear that the Treasurer shall be personally responsible for the timely filing of reports, 11 C.F.R. § 104.14(d); therefore, the travel schedule of the Candidate does not negate the timely filing of campaign finance reports.

The Candidate requests a waiver based on 11 C.F.R. § 111.35(c)(1). The regulations are clear that a failure of Commission computers or Commission-provided software despite the respondent seeking technical assistance from Commission personnel and resources, is grounds for challenge; however, there was no failure of Commission computers or software. According to the Commission's Information Technology Division Manager, there is no record of any problem with the Commission's FECFile software or Electronic Filing System that would have prevented the respondents from timely filing the Form 3 April Quarterly Report on April 15. Additionally, although the Candidate received error messages in relation to his Form 2 Statement of Candidacy on April 15, and Form 3 April Quarterly Report on May 10, on both occasions he declined to speak with the EFO for assistance because he did not have time, and therefore did not seek technical assistance as necessitated in 11 C.F.R. § 111.35(c)(1).

Finally, the response requests a final determination that "excludes hearsay that cannot be verified." According to the Assistant Staff Director of RAD, Analysts are required to document phone conversations concerning filing requirements, including conversations relating to difficulties in filing a report. As it relates to this case specifically, the respondents' Analyst himself, Eric Fusselle, documented each of his calls with the Candidate, copies of which were included in the ROR. Additionally, all of the information provided by the EFO pertaining to this case was submitted by the Manager of the System Analysis and Design Branch of the Commission's Information Technology Division, as is indicated in the July 1, 2010 memorandum prepared and initialed by the Manager, and included in the ROR.

The Candidate's claim to have filed all prior reports timely was not raised in the challenge and, therefore, is not directly responsive to the Reviewing Officer's recommendation, and consequently not addressed by the Reviewing Officer in this memorandum. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$170.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2140 involving Scherer For Your Congressman and Glenn Seever, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2140 that Scherer For Your Congressman and Glenn Seever, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$170; and
- (3) Send the appropriate letter.

Attachment 1 – Response Received from Respondents (the Candidate)

Attachment 2 –

Attachment 3 –

Attachment 4 –

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation -) AF 2140
Scherer For Your Congressman and)
Glenn Seever, in his official capacity as)
Treasurer (C00421396))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 28, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2140:

1. Adopt the Reviewing Officer recommendation for AF 2140 involving Scherer For Your Congressman and Glenn Seever, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF 2140 that Scherer For Your Congressman and Glenn Seever, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$170.00.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

January 28, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 4, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Glenn Seever, in his official capacity as Treasurer
Scherer For Your Congressman
8000 Via Sardinia Way
Unit 202
Estero, FL 33928

C00421396
AF# 2140

Dear Mr. Seever:

On June 10, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Scherer For Your Congressman and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 April Quarterly Report. By letter dated June 11, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$170 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On June 25, 2010, the Office of Administrative Review received the written response from the Candidate, challenging the RTB finding and civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Scherer For Your Congressman and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$170 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on July 22, 2010.

On July 28, 2010 the Commission received the response from the Candidate. On January 28, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Scherer For Your Congressman and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$170. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

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If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.


If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

Attachment

Cc: Thomas E. Scherer, Candidate



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ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$170 for the 2010 April Quarterly Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Scherer For Your Congressman

FEC ID#: C00421396

AF#: 2140

PAYMENT AMOUNT DUE: \$170

FOR: Scherer For Your Congressman

FEC ID# C00421396

AF#: 2140

PAYMENT AMOUNT DUE \$170

3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 004 \$ 0000017000 BA# 2 04-18-11 20 4



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us bancorp.
The Bancorp. Group

THOMAS E. SCHERER 05-10		372
ESTERO, FL 33422		48-471011 IS 2205
pay to the order of	Federal Election Comm.	\$170.00
	one hundred seventy / 100	
Bank of America		
ACH PAY 100100045		
Scherer for Congress admin		Thomas Sch
[Redacted Signature Line]		



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2140

DATE SCANNED

5/18/11

SCANNER NO.

2

SCAN OPERATOR

EE5

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